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CERTIFICATE OF MAILING
37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Station AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

June 17, 2003
Date

Mark D. Moore

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

BARRY J. BYRNE
JAMES E. CONWAY
GARY S. HAYWARD
NICHOLAS MUZYCZKA
SERGEI ZOLOTUKHIN

Group Art Unit: 1636

Examiner: Gerald Leffers, Jr.

Atty. Dkt. No.: 4300.012100

Serial No.: 09/404,448

Filed: September 22, 1999

For: RECOMBINANT HERPES SIMPLEX
VIRAL VECTOR COMPOSITIONS (as
amended)

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

MAIL STOP AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed December 17, 2002, finally rejecting claims 41-43, 45-49, 61 and 63-78.

The fee for filing this Notice of Appeal is \$160 and is attached hereto.

06/25/2003-RWONDAF1-00000095-09404448

01 FC:2402 160.00 OP

06/25/2003 RWONDAF1 00000116 09404448

01 FC:2401 160.00 OP

Also, a request for a three-month extension of time to respond is included herewith. The extension fee is included in the attached check with the Notice of Appeal fee. This three month extension will bring the due date to June 17, 2003. Should such request or fee be deficient or absent, consider this paragraph such a request and authorization to withdraw the appropriate fee.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed material, or should an overpayment be included herein, the Assistant Commissioner is authorized to deduct or credit said fees from or to Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/4300.012100.

Please date stamp and return the enclosed postcard to evidence receipt of this document.

Respectfully submitted,



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AGENT FOR APPLICANTS

Date: June 17, 2003



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PATENT TRADEMARK OFFICE